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In re Application of :
FATTAL, et al. :
PCT No.: PCT/US03/01217 :
Int. Filing Date: 15 January 2003 :
Priority Date: 15 January 2002 :
Attorney's Docket No.: YIS-009PCT :
For: SYSTEM AND METHOD FOR COMPRESSING :
THE DYNAMIC RANGE OF AN IMAGE :

DECISION ON PETITION

This decision is in response to applicant's "Petition For Filing Date Under 35 U.S.C. 111(a)" filed 19 February 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 January 2003, applicant filed the present International Application with the United States Receiving Office (RO/US) claiming priority to an earlier application filed 15 January 2002.

On 28 January 2003, applicant was mailed a "Notification of Transmittal of Purported International Application to The International Bureau as Receiving Office And Invitation to Pay Fee" (Form PCT/RO/151) informing applicant that the notification was being sent to the International Bureau as receiving Office together with the above-mentioned international application. The RO/US is not competent on account of the nationality and residence of the applicant.

On 19 February 2004, applicant filed the present petition seeking, in addition to the referenced international application, a filing date under 35 U.S.C. 111(a).

DISCUSSION

A review of the application file and USPTO electronic databases finds that applicant's initial filing of 15 January 2003 contained papers for both an international application and a filing under 35 U.S.C. 111(a). Specifically, applicant filed both a "Transmittal Letter to the United States Receiving Office" (Form PTO-1382) and a separate cover letter enclosing a "patent application." In addition, applicant provided two distinct filings as to the respective description, claims and abstract. The description, claims and abstract for the international application totals 24 pages whereas the description, claims and abstract for the domestic patent application totals 31

pages. Thus, it is clear that applicant filed two distinct applications on 15 January 2003. Applicant has suggested three possible avenues of relief. Applicant is advised that the papers filed with the USPTO on 15 January 2003 and containing the stamp thereon will be removed from the present international application file and used to create a new, separate 35 U.S.C. 111(a) application file.

CONCLUSION

As detailed above, applicant's petition is **GRANTED**.

The application will be forwarded to Office of Initial Patent Examination for processing as a regular national application under 35 U.S.C. 111(a) with a filing date of 15 January 2003.



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